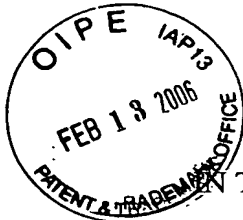


ISW



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Naomasa SHIRAISHI

Group Art Unit: 2851

Application No.: 10/679,151

Examiner: A. MATHEWS

Filed: October 6, 2003

Docket No.: 032136.09

For: PROJECTION EXPOSURE METHOD WITH LUMINOUS FLUX DISTRIBUTION

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the January 12, 2006 Election of Species Requirement, Applicant hereby elects species I, Figs. 1-15. Applicant submits that claims 42-63, 69-74 and 87-92 read on Species I. The election is made with traverse.

Applicant also notes for the record that elected claims 58, 59, 62, 63 and 88 also read on Species II, III, IV and V. In addition, elected claims 42-57, 60, 61, 69-74, 87 and 89-92 also read on Species III, IV and V.

Applicant notes that all pending claims in this application already have been examined and subjected to a first Office Action. Thus, Applicant respectfully submits that there is no undue burden for the Patent Office to search all pending claims, as this already has been done. In addition, Applicant notes that all of the non-elected claims (claims 30 and 75-84) were allowed in the previous Office Action, and thus could be re-joined and allowed when the elected claims are allowed.

It also is respectfully submitted that the subject matter of all pending claims is sufficiently related that a thorough search for the subject matter of any one group of claims (or species) would necessarily encompass a search for the subject matter of the remaining claims/species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Withdrawal of the Election of Species Requirement is requested.

Respectfully submitted,



Mario A. Costantino
Registration No. 33,565

MAC/ccs

Date: February 13, 2006

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